

FICTITIOUS BUSINESS NAME INFORMATION

RE 282 (Rev. 7/93)

GENERAL INFORMATION

The Real Estate Law requires that a fictitious business name must appear on your broker or corporation officer license **before** it may be used in conducting activities for which a real estate license is required. Refer to §10159.5 of the Business and Professions (B&P) Code.

Section 2731 of the Commissioner's Regulations provides as follows:

2731. False or Fictitious Name.

- (a) *A licensee shall not use a fictitious name in the conduct of any activity for which a license is required under the Real Estate Law unless the licensee is the holder of a license bearing the fictitious name.*
- (b) *The Department shall issue a license required under the Real Estate Law only in the legal name of the licensee or in the fictitious business name of a broker who presents evidence of having complied with the provisions of Sections 17910 and 17917 of the Code.*
- (c) *The commissioner may refuse to issue a license bearing a fictitious name to a broker if the fictitious name:*
 - (1) *Is misleading or would constitute false advertising.*
 - (2) *Implies a partnership or corporation when a partnership or corporation does not exist in fact.*
 - (3) *Includes the name of a real estate salesperson.*
 - (4) *Constitutes a violation of the provisions of Sections 17910, 17910.5, 17915 or 17917 of the Code.*
 - (5) *Is the name formerly used by a licensee whose license has since been revoked.*
- If you are working as a broker-salesperson, a fictitious business name is not required. Do not list your employing broker's fictitious business name on your applications.
- Some DBA names cannot be issued or require documentation and clarification per §2731.

DELETING A FICTITIOUS BUSINESS NAME

A broker licensee must submit one of the following documents:

- Change Application For Broker Licensees (RE 204), if deleting during license period.
- Broker Renewal Application (RE 208), if deleting at renewal time.

Corporation Officer must submit the following:

- Corporation Change Application (RE 204A), if deleting during license period or at renewal time.

You may also wish to file an abandonment of the DBA with the County Clerk.

MAILING INFORMATION

Mail the appropriate documents to:

Department of Real Estate
P. O. Box 187004
Sacramento, CA 95818-87004

ADDING A FICTITIOUS BUSINESS NAME

Submit the appropriate form:

A. Broker Licensee

- Broker License Application (RE 200), if adding at time of original license, or
- Change Application For Broker Licensees (RE 204), if adding during license period, or
- Broker Renewal Application (RE 208), if adding at renewal time

B. Corporation Officer

- Corporation License Application (RE 201), if adding at time of original license, or
- Corporation Change Application (RE 204A), if adding during license period or at renewal time

Submit a Fictitious Business Name Statement (FBNS) bearing the "Filed" and "Certified" stamps from the County Clerk's office.

- The licensee's name must appear as one of the registrants. (i.e., If a broker, the FBNS must be filed on behalf of the broker licensee. If a corporation, the FBNS must be filed on behalf of the corporation.)
- The FBNS must be filed in the county where your main office is located and be no more than five years old.
- "Proof of Publication" is not acceptable.
- Legible photocopies are acceptable.
- The business address on the FBNS must be registered as either the main office or a branch office on DRE's records.
- The exact name to be used must appear on the FBNS.